

REMARKS

ALLOWABLE CLAIMS

Applicant would like to thank the Examiner for such a thorough review of the cited references in the file wrapper of the present application in view of the pending claims. The Examiner has stated that the pending claims, namely claims 1-11, 15-17, 19-33, 37-39, and 41-44 are allowable over the references of record.

THE AMENDMENTS AND REASONS FOR AMENDMENTS

Applicant amends claims 1, 6, 8, 9, 11, 23, 28, 30, 31, 33, 38, and 43, and cancels claims 7 and 29. The amended claims add no new subject matter and are fully supported by the application, including the specification, examples, figures, and claims as originally filed.

THE OBJECTIONS TO THE CLAIMS

The Examiner has objected to certain informalities such as obvious numbering and grammatical errors with respect to claims 1, 23, 38, and 43 and has required appropriate corrections.

Applicant has amended claims 1, 23, 38, and 43 and has corrected the errors cited by the Examiner as the Examiner had suggested.

THE CLAIMS ARE DEFINITE UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

1. The Examiner has rejected claims 1-11, 15-17, 19-33, 37-39, and 41-44 under 35 U.S.C. § 112, Second Paragraph as allegedly being indefinite. In particular, the Examiner alleges that the phrase "solid support" in claim 1 is unclear, and the phrase "said construct-complexes" in claim 23 lacks antecedent basis.

Applicant considers the claims to be definite as claimed, however, in order to expedite the allowance of the claims, Applicant has amended independent claim 1 and 23 by replacing the term "solid support" with "surfaces" in order to more clearly claim the present invention.

2. The Examiner has rejected claim 23 under 35 U.S.C. § 112, Second Paragraph as allegedly being indefinite. In particular, the Examiner alleges that the phrase “said construct-complexes” in step (e) of claim 23 lacks antecedent basis. The Examiner is correct in indicating that Applicant intends to recite “construct-compound complexes” and Applicant has amended claim 23 accordingly.

Also, the Examiner alleges that in claim 23 the “preamble” and the “wherein” clauses, the phrase “increased sensitivity” is unclear. Applicant considers claim 23 to be definite as claimed, however, in order to expedite the allowance of the claims, Applicant has amended claim 23 by deleting portions related to “increased sensitivity” from the “preamble” and the “wherein” clauses of claim 23 in order to more clearly claim the present invention.

3. The Examiner has rejected claims 6, 9, 28, and 31 under 35 U.S.C. § 112, Second Paragraph as allegedly being incomplete for omitting essential structural cooperative relationship of elements with respect to the “detection of a label” and “enzymatic amplification” elements of the claims.

Applicant considers the claims 6, 9, 28, and 31 to be definite as claimed, however, in order to expedite the allowance of the claims, Applicant has amended claims 6, 9, 28, and 31 by deleting portions related to “detection of a label” and “enzymatic amplification” from claims 6, 9, 28, and 31 in order to more clearly claim the present invention.

THE CLAIMS ARE ENABLED UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Examiner has rejected claims 6, 9, 28, and 31 under 35 U.S.C. § 112, First Paragraph as allegedly being based on disclosure which is not enabling with respect to the “detection of a label” element of the claims.

Applicant considers the claims 6, 9, 28, and 31 to be definite as claimed, however, in order to expedite the allowance of the claims, Applicant has amended claims 6, 9, 28, and 31 by deleting portions related to “detection of a label” from claims 6, 9, 28, and 31 in order to more clearly claim the present invention.

Applicant respectfully submits that the claims are ready for examination and in condition for allowance.

Respectfully submitted,

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